

**BEFORE THE ARIZONA BOARD
OF MASSAGE THERAPY EXAMINERS**

In the Matter of

Board Case Nos.

HUIPING WANG, LMT

20-132

Holder of License No. MT-11164
As a Massage Therapist
In the State of Arizona

**CONSENT AGREEMENT AND
ORDER FOR SUSPENSION OF
MASSAGE THERAPY LICENSE**

In the interest of a prompt and judicious settlement of this case, consistent with the public interest, statutory requirements and the responsibilities of the Arizona State Board of Massage Therapy (Board) under A.R.S. § 32-4201, *et. seq.*, HuiPing Wang (Respondent), holder of Massage Therapist License Number MT-11164 in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (Consent Agreement) as a final disposition of this matter.

RECITALS

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this matter, at which hearing Respondent could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly and voluntarily relinquishes all right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters set forth herein.
3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.
4. Respondent understands that this Consent Agreement or any part of the agreement may be considered in any future disciplinary action by the Board against Respondent.
5. Respondent understands this Consent Agreement deals with Board case number 20-132 involving allegations that Respondent engaged in conduct that would subject Respondent to discipline under the Board's statutes and rules. The investigation into these allegations against Respondent shall be concluded upon the Board's adoption of this Consent Agreement.
6. Respondent understands that this Consent Agreement does not constitute a dismissal or resolution of any other matters currently pending before the Board, if any,

and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding.

7. Notwithstanding any language in this Consent Agreement and Order, this Consent Agreement and Order does not preclude in any way any other State agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Consent Agreement and Order makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivisions of the State relating to this matter or other matters concerning Respondent.

8. Respondent acknowledges and agrees that, upon signing this Consent Agreement and returning this document to the Board's Executive Director, Respondent may not revoke Respondent's acceptance of the Consent Agreement or make any modifications to the document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

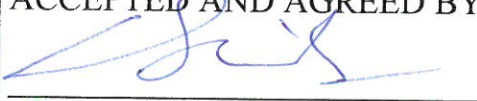
9. This Consent Agreement is effective only when signed by the Executive Director on behalf of the Board.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands that this Consent Agreement constitutes disciplinary action and is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank or other such databases.

12. Respondent agrees that the Board will adopt the following Findings of Fact, Conclusions of Law and Order.

ACCEPTED AND AGREED BY RESPONDENT



Hui Ping Wang

Dated: 12/7/2020

FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of Massage Therapy in the State of Arizona.

2. Respondent is the holder of license number MT-11164 to practice as a Massage Therapist in the State of Arizona.

3. On November 20, 2019, the Board received information from the Arizona Attorney General's Office that indicated Respondent had been cited and indicted on several charges related to a massage establishment she was running in Scottsdale, Arizona. The information provided was a result of an investigation into prostitution linked to massage establishments in the Phoenix metro area.

4. The information indicated that on November 16, 2016, Respondent was cited for a criminal misdemeanor in the city of Scottsdale for refusal to turn over massage log and records, as well as, for failure to display a massage license.

5. On or about April 10, 2017, Respondent pled guilty to Refusing to produce a log or record book for the establishment. Neither the arrest nor the conviction were reported to the Board as required by law.

6. The information received on November 20, 2019, also indicated that on January 13, 2020, Respondent was indicted on one count of Conspiracy, one count of Illegal Control of Enterprise, one count of Money Laundering, and one count of Keep/Reside House of Prostitution. These indictments were the result of an undercover investigation that found Respondent was soliciting sex from clients. Respondent did not report these indictments to the Board as required by law.

7. On August 12, 2020, Respondent entered into a plea agreement with the Superior Court, pleading guilty to Illegally Conducting an Enterprise, a class 3 felony. Respondent did not update the Board regarding this information as required by law.

9. At its November 23, 2020, meeting the Board voted to offer this Consent Agreement for 12 month suspension of license.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-4201 *et seq.*

2. The Board possesses statutory authority to enter into a consent agreement with a massage therapist and accept the surrender of an active license from a massage

therapist who admits to having committed an act, which would subject the licensee to discipline under the Board's statutes or rules. *See* A.R.S. § 32-4254(D).

4. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(15), which states, "Engaging in sexual activity with a client," as it relates to A.R.S. §32-4253(B)(2)(c) which defines "sexual activity" to include ["Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with a client."]

6. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(19), which states, "failing to report to the board any act or omission of a licensee or applicant or any other person who violates this chapter."

7. The conduct and circumstances described above constitute grounds for discipline pursuant to A.R.S. § 32-4253(A)(23), which states, "violating Board statutes, rules, or orders."

ORDER

IT IS HEREBY ORDERED that License Number MT-11164 issued to Hui Ping Wang to practice as a massage therapist in the State of Arizona is hereby placed on suspension for **12 months** subject to the following terms and conditions:

1. Continuing Education.

During the term of suspension, Respondent shall complete **20 hours** of continuing education, which must include courses covering the following subjects: ethics and business practices. These continuing education hours shall be in addition to and shall not be used to satisfy the hours required for the renewal of Respondent's massage therapist license under A.R.S. § 32-4225. Respondent shall seek and obtain pre-approval of her continuing education courses from Board or its designee (staff). Respondent shall provide the Board or its staff with proof of successful completion of the continuing education hours in satisfaction of this requirement **within 12 months** of the effective date of this order.

2. General Provisions.

a. Respondent shall pay all necessary fees throughout the term of Respondent's suspension to maintain Respondent's massage therapy license in active status.

b. Respondent shall pay all costs associated with complying with this Order.

c. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated.

d. This Order shall terminate 12 months from the effective date of the Order, if all terms and conditions have been successfully completed to the satisfaction of the Board, and Respondent requests and is granted release by the Board.

DATED this 15th day of December, 2020.

ARIZONA STATE BOARD OF MASSAGE
THERAPY

(Seal)



By: _____

Thomas Augherton
Executive Director

ORIGINAL OF THE FORGOING FILED
this 15th day of December__2020, with:

Arizona State Board of Massage Therapy
1740 West Adams, Suite 3401
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED/E-MAILED
this 15th day of December__2020, to:

Hui Ping Wang
2363 West Detroit Place
Chandler, Arizona 85224
Respondent

Seamus Monaghan, AAG
2005 North Central Avenue
Phoenix, Arizona 85004
Attorney for the Board

By: _____

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